

THE SPEAKER PRO TEMPORE:<sup>(9)</sup> The gentleman from New Jersey [Mr. Rodino] will be recognized for 30 minutes, the gentleman from California [Mr. Lungren] will be recognized for 30 minutes.

MR. [DON] EDWARDS of California: Mr. Speaker, I rise in opposition to the bill.

THE SPEAKER PRO TEMPORE: Is the gentleman from California [Mr. Edwards] opposed to the conference report?

MR. EDWARDS of California: I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is the gentleman from New Jersey [Mr. Rodino] opposed to the conference report?

MR. RODINO: No, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Under the rules, the gentleman from California [Mr. Edwards], the senior member of the originally reporting committee, is entitled to 20 minutes.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I rise to a point of order. I believe that the member of the minority would have preference to control the 20 minutes in opposition to the conference report under the precedents of the House and rule XXVIII, clause 2(b).

I am opposed to the conference report, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair would state to the distinguished gentleman from Wisconsin under a ruling this year recognition goes to the opposition on the issue but not necessarily the minority party in the House; and under the rules the Chair

is constrained to recognize the senior member of the Judiciary Committee.

## § 27. Designation of Managers

The Members designated to control debate on a bill are normally chosen (formally or informally) by the committee reporting it.<sup>(10)</sup> However, managers are sometimes designated by special rule from the Committee on Rules,<sup>(11)</sup> or by the Chair if the proposition is not being considered pursuant to special rule, although the Chair seeks assurance that the matter has been cleared with the committee.<sup>(12)</sup> If the special rule does not specifically designate the Members in control, or if the designated managers are absent and have not designated other Members to manage the measure, the Chair may in his discretion recognize a committee member to control debate.<sup>(13)</sup> Management of a

10. See §§ 27.1, 27.2, *infra*.

11. See § 28, *infra*. The reporting committee, in applying to the Committee on Rules for a special order, will often indicate the managers of general debate.

12. See §§ 24.35–24.39, *supra*, for the Chair's designation of Members to control debate on an appropriation bill.

13. See §§ 27.6, 27.7, *infra*.

9. Kenneth J. Gray (Ill.).

bill may also be fixed by unanimous consent.<sup>(14)</sup>

If control of a measure is taken away from the committee majority, the Chair recognizes someone opposed, preferably a ranking minority member of the committee, to control the time.<sup>(15)</sup>

### ***Designation of Member by Committee***

**§ 27.1 Where the chairman or member of a committee has been designated and authorized by the committee to call up a bill, no other Member may take such action.**

On Feb. 24, 1937,<sup>(16)</sup> Speaker Pro Tempore William J. Driver, of Arkansas, answered a parliamentary inquiry preceding the call of committees on Calendar Wednesday:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MICHENER: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill

up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the Committee is authorized to call up a bill.<sup>(17)</sup>

**§ 27.2 Only a member of the Committee on Rules designated by it to call up a special rule from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.**

On June 6, 1940,<sup>(18)</sup> Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a resolution from the Committee on Rules providing for the consideration of a bill. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee." The

14. See §§ 27.3, 27.4, *infra*.

15. See, for example, § 27.5, *infra*, for management of a discharged bill.

16. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

17. See also § 26.9, *supra* (authority of committee chairman to call up business on Calendar Wednesday).

18. 86 CONG. REC. 7706, 76th Cong. 3d Sess.

Speaker declined to recognize Mr. Fish for that purpose.

THE SPEAKER: The Chair cannot recognize the gentleman from New York to call up the resolution unless the record shows he was authorized to do so by the Rules Committee. The Chair would be authorized to recognize the gentleman from Mississippi [Mr. Colmer] to call up the rule in the event the resolution offered by the gentleman from New York, which was the unfinished business, is not called up.

MR. FISH: Will the Chair permit me to read this rule?

THE SPEAKER: The Chair would be glad to hear the gentleman.

MR. FISH: Rule XI reads as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting).

I submit, according to that rule and the reading of that rule, Mr. Speaker, that any member of the Rules Committee can call up the rule, but it would require the membership of the House to act upon it by a two-thirds vote in order to obtain consideration.

THE SPEAKER: The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

MR. FISH: Of course, there is nothing to that effect in the reading of the rule.

THE SPEAKER: The Chair is relying upon the precedents in such instances.

### ***Designation by Unanimous Consent***

**§ 27.3 The Committee of the Whole may agree by unanimous consent that debate on an amendment be limited to a certain amount of time, to be divided and controlled by certain majority and minority Members.**

On May 26, 1966,<sup>(19)</sup> the Committee of the Whole agreed to a unanimous-consent request for the limit and control of time on an amendment to H.R. 13712, the Fair Labor Standards Amendments of 1966:

MR. [ADAM C.] POWELL [of New York]: I renew my request so that there will be no misunderstanding. I ask unanimous consent that the debate on this amendment be limited to 60 minutes, 30 minutes on each side. The gentleman now in the well has control of the time on his side. If the unanimous-consent request is approved, the gentleman from Pennsylvania will have control of the time on this side.

*Parliamentarian's Note:* The agreement proposed by Mr. Powell divided control between the proponent of the amendment and the subcommittee chairman handling the bill.

On May 10, 1966,<sup>(20)</sup> the Committee of the Whole agreed to

19. 112 CONG. REC. 11608, 89th Cong. 2d Sess.

20. *Id.* at p. 10232.

a unanimous-consent request regarding the time for and control of debate on an amendment:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, for the purpose of clarification, would it be in order for the gentleman from Tennessee to ask unanimous consent that debate on this amendment be confined to 20 minutes on each side, the 20 minutes on this side to be controlled by the gentleman from Tennessee [Mr. Evins] and the 20 minutes on the Republican side by the gentleman from North Carolina [Mr. Jonas]?

MR. [JOSEPH L.] EVINS: Mr. Chairman, I thank the distinguished majority leader for the suggestion and now make the unanimous-consent request accordingly.

THE CHAIRMAN: <sup>(1)</sup> Without objection, it is so ordered.

There was no objection.

MR. EVINS of Tennessee: Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cohelan].

**§ 27.4 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and of the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment.**

On July 9, 1965,<sup>(2)</sup> the unfinished business in the Committee

1. Richard Bolling (Mo.).

2. 111 CONG. REC. 16207, 89th Cong. 1st Sess.

of the Whole was H.R. 6400, the Voting Rights Act of 1965. Chairman Richard Bolling, of Missouri, made the following statement on the order of recognition, the committee having limited and divided, on the prior day, time for debate on a pending amendment:

When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.

It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

*Parliamentarian's Note:* The time limitation and the agreement on control of time abrogated the five-minute rule. Under the agreement, the two Members controlling debate could yield for debate or for amendments.

### ***Manager of Discharged Bill***

**§ 27.5 Where a motion to discharge a committee has been agreed to, the proponents of that motion are entitled to prior recognition for the purpose of managing the bill.**

On June 14, 1932,<sup>(3)</sup> Speaker Pro Tempore Henry T. Rainey, of Illinois, answered a parliamentary inquiry on the order of recognition on a bill discharged from committee. The proceedings were as follows:

MR. [CHARLES R.] CRISP [of Georgia]: The House yesterday discharged the Committee on Rules from the consideration of a resolution making it a special order to consider the adjuster-service compensation bill. The House then adopted the resolution which makes it today in order as a special order to consider that bill. The House having voted in favor of the proponents of the legislation and the Ways and Means Committee having made an adverse report on it, the effect of the vote of the House is to turn down the Ways and Means Committee and place control of that legislation in the hands of its friends. Under these circumstances and under the parliamentary rules and procedure of the House, are not the friends of the legislation entitled to have charge of the bill when we go into Committee of the Whole to consider it and to have the management of the measure on the floor?

THE SPEAKER PRO TEMPORE: The proponents and the friends of the bill will, of course, have charge of it from now on.<sup>(4)</sup>

3. 75 CONG. REC. 12911, 72d Cong. 1st Sess.
4. Consideration of bills on which a motion to discharge has prevailed is governed by Rule XXVII clause 3, *House Rules and Manual* §908 (1995).

*Parliamentarian's Note:* The discharged and adopted special rule read as follows:

#### HOUSE RESOLUTION 220

*Resolved,* That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of H.R. 7726, notwithstanding the adverse report on said bill. That on said day the Speaker shall recognize the Representative from the first district of Texas, Wright Patman, to call up H.R. 7726, a bill to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the said H.R. 7726. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the Member of the House requesting a rule for the considering of the said H.R. 7726 and a Member of the House who is opposed to the said H.R. 7726, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee

The Speaker may recognize any Member who signed a discharge petition to offer the discharge motion (see §9.51, *supra*), and points of order as to who should control the discharged bill should be made when the question of consideration is moved.

shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

### ***Manager of Conference Report***

**§ 27.6 Recognition for calling up a conference report is within the discretion of the Chair, and the Speaker may recognize a junior member of the conference committee to manage a report when the senior House conferee is unable to be present on the floor.**

On Dec. 23, 1969,<sup>(5)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Thomas L. Ashley, of Ohio, a junior member of the conference committee on H.R. 4293, to provide for continuation of authority for regulation of exports, to file the conference report and to call it up. The senior member of the conference committee, Wright Patman, of Texas, also Chairman of the Committee on Banking and Currency with jurisdiction over the subject matter of the bill,

5. 115 CONG. REC. 40982-84, 91st Cong. 1st Sess.

was unavoidably absent from the floor.<sup>(6)</sup>

**§ 27.7 The Speaker recognized the ranking majority member of a committee, and not the chairman thereof, also a conferee, to call up a conference report, when the chairman was opposed to the measure under consideration.**

On July 17, 1967,<sup>(7)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Samuel N. Friedel, of Maryland, ranking majority member of the Committee on Interstate and Foreign Commerce, to call up a conference report on Senate Joint Resolution 81, providing for the settlement of a railway labor dispute.

*Parliamentarian's Note:* Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce and a conferee on the bill, was not recognized to call up the report because he was opposed to the bill. Mr. Staggers did not manage

6. *Parliamentarian's Note:* The manager of a conference report is normally the senior member of the conference committee and the chairman of the legislative committee or subcommittee with jurisdiction over the subject matter of the bill.

7. 113 CONG. REC. 19032, 90th Cong. 1st Sess.

consideration of the joint resolution in the House but had turned control over to Mr. Friedel.<sup>(8)</sup>

## § 28. Effect of Special Rule

Special rules or resolutions reported by the Committee on Rules making in order the consideration of a measure, frequently designate the Members to control debate. A typical special rule provides that debate be equally divided and controlled by the chairman and ranking minority member of the reporting committee. If the special rule does not so provide, the Chair may in his discretion recognize a Member to control the time.<sup>(9)</sup>

Special rules may divide control among two or more committees<sup>(10)</sup> and may provide that only committee amendments may be offered, thereby limiting opportunity for five-minute debate.<sup>(11)</sup>

By special rule, general debate may be equally divided between two committees jointly reporting the bill.<sup>(12)</sup>

8. See Mr. Staggers' statement at 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess., June 14, 1967.
9. See § 28.5, *infra*. Where the manager designated in a special order is absent, the Chair may recognize another Member to control debate (see §§ 28.7, 28.8, *infra*).
10. See § 28.14, *infra*.
11. See §§ 77.19, 77.21, *infra*.
12. See, for example, H. Res. 1182, 122 CONG. REC. 14376, 14377, 94th Cong. 2d Sess., May 19, 1976.

## Forms

Form of special rule fixing control of time for debate.

*Resolved*, That upon the adoption of this resolution the Speaker shall recognize Representative Abraham J. Multer, or Representative Carlton R. Sickles, or Representative Charles McC. Mathias, Junior, or Representative Frank J. Horton to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644). . . . After general debate, which shall be confined to the bill and continue not to exceed five hours, to be equally divided and controlled by one of the aforementioned Members and a Member who is opposed to said bill to be designated by the Speaker, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. . . .<sup>(13)</sup>

Form of special rule fixing control of time for debate in the reporting committee and in a designated Member of the House.

## H. RES. 657

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10710). . . . After general debate, which shall be confined to the bill and shall continue not to exceed seven hours, six hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and one hour to be controlled by Representative John H. Dent, of Pennsylvania, the bill shall be con-

13. 111 CONG. REC. 25185, 89th Cong. 1st Sess., Sept. 27, 1965.